

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV27

MINUTE MAN ANCHORS, INC.,)	
)	
Plaintiff,)	
)	
Vs.)	
)	
OLIVER TECHNOLOGIES, INC., and)	
JAMES OLIVER, an individual,)	
)	
Defendants.)	
_____)	

ORDER

THIS MATTER is before the Court on the “Limited and Special Appearance of Non-Party Evon Oliver for the Sole Purpose of Complying with the Provisions of Paragraph 3 on Page 27 of the Court’s August 5, 2005 Memorandum and Order,” filed August 23, 2005.

The Court accepts the representation that Ms. Oliver is unable to make a decision as to whether she desires to intervene in the action. Therefore, the Court concludes that Ms. Oliver is not intervening in the action, having failed to make a decision within the time parameters set by the previous Order. Having determined previously that she is not an indispensable party, the Court determines that the case should go forward without her.

IT IS, THEREFORE, ORDERED that Evon Oliver has elected not to intervene in this action.

Signed: September 12, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

